

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROY MITCHELL,

Plaintiff,

v.

EDWARD WALL, JON LITSCHER,
JOSEPH RUHNKE, BRITTANY WOLFE,
NICOLE RAISBECK

Defendants.

OPINION & ORDER

Case No. 18-cv-33-wmc

Plaintiff Roy Mitchell, a transgender woman, is proceeding in this civil lawsuit on claims that defendants Joseph Ruhnke, Brittany Wolfe and Nicole Raisbeck violated her Eighth Amendment rights when they prohibited her from pursuing treatment for gender dysphoria and from presenting as a woman while she was on probation in 2013. Mitchell has filed a motion to sanction defendants for the contents of their answer. (dkt. 20). I am denying this motion.

In her motion, Mitchell complains that defendants provided the following general denial: “Anything not expressly admitted above is hereby DENIED. This response is being submitted as a general denial because Defendants do not have a signed release from Plaintiff allowing access to her protected health information.” (Dkt. 20-3.) Mitchell claims that she already provided defense counsel with a medical release form in a previous lawsuit against Wisconsin DOC employees, and her attachments suggest that she did, in fact, provide Wisconsin DOJ counsel with a signed medical release form in 2012. However, that form authorized disclosure of her medical records from 1998 to January 10, 2013 (*see*

dkt. 20-2), and plaintiff's claims against the defendants in this lawsuit took place between January of 2013 and 2015. As such, even assuming that plaintiff's previous medical release has not expired, it did not cover the time-period encompassing her claims. Accordingly, because no evidence before me suggests that defendants currently have access to Mitchell's medical records after January 10, 2013, there is basis to sanction defendants for their general denial. Furthermore, as Mitchell well understands, because her claims in this lawsuit are directly related to her medical care and needs, going forward she likely will have to sign an updated medical release form at defendants' request.

ORDER

IT IS ORDERED that plaintiff Roy Mitchell's motion for sanctions (dkt. 20) is DENIED.

Entered this 6th day of July, 2018.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge